

CR 07 00550 RMW/HRL E. FELING

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA
2007 AUG 22 P 3:54

SAN JOSE DIVISION

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST OF CA. S.J.

THE UNITED STATES OF AMERICA

vs.

VICTOR MARTINEZ

INDICTMENT

Count One: Title 18, United States Code, Section 3146(a)(2) -
Failure to Surrender for Service of Sentence

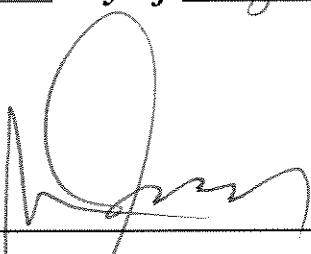
10/1
Count Two: Title 18, United States Code, Section 401(3) -
Contempt of Court

A true bill.

Barbara L. Wells
Foreperson

Filed in open court this 22 day of Aug.

A.D. 2007


UNITED STATES MAGISTRATE JUDGE

Bail. \$ No bail warrant

1 SCOTT N. SCHOOLS (SCBN 9990) ~~SPRING~~
2 United States Attorney

3 **FILED**
4

5 AUG 22 2007
6 RICHARD W. LIEKING
7 CLERK, U.S. DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

HRL

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 VICTOR MARTINEZ,

17 Defendant.

CR

No.

07 00550

VIOLATIONS:

18 U.S.C. § 3146(a)(2) - Failure to
19 Surrender for Service of Sentence; 18 U.S.C.
20 § 401(3) - Contempt of Court

21 SAN JOSE VENUE

22 INDICTMENT

23 The Grand Jury charges:

24 COUNT ONE: (18 U.S.C. § 3146(a)(2))

25 On or about April 21, 2006, in the Northern District of California, the defendant,

26 VICTOR MARTINEZ,

27 having been released from custody pursuant to Title 18, United States Code, Section 3142, in
28 Criminal Case No. CR-01-20086-JF in the United States District Court for the Northern District
of California, San Jose Division, did knowingly fail to surrender for service of sentence pursuant
to a court order, in violation of Title 18, United States Code, Section 3146(a)(2).

INDICTMENT

1 COUNT TWO: (18 U.S.C. § 401(3))

2 On or about April 21, 2006, in the Northern District of California, the defendant,

3 VICTOR MARTINEZ,

4 did knowingly and intentionally disobey and resist a lawful writ, process, order, rule, decree, and
5 command of a court of the United States, to wit, an order of United States District Judge Jeremy
6 Fogel in Criminal Case No. CR-01-20086-JF in the United States District Court for the Northern
7 District of California, San Jose Division, that the defendant surrender at the institution designated
8 by the United States Bureau of Prisons or to the United States Marshal before 2:00 p.m. on April
9 21, 2006 for service of a sentence of three months of imprisonment, in violation of Title 18,
10 United States Code, Section 401(3).

11 DATED: 8/22/07

12 A TRUE BILL.

13 
14 FOREPERSON
15

16 SCOTT N. SCHOOLS
United States Attorney

17 
18 MATTHEW A. PARRELLA
Chief, San Jose Office

19 (Approved as to form: 
20 AUSA John N. Glang)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 3146(a)(2) - Failure to Surrender for Service of Sentence

PENALTY:

2 years imprisonment, \$250,000 Fine, one year supervised release, \$100 special assessment

18 U.S.C. § 401(3) - Contempt of Court

PENALTY: No Maximum penalty provided

- Petty
- Minor
- Misdemeanor
- Felony

CR 07

PROCEEDING

Name of Complainant Agency, or Person (&Title, if any)

DEPUTY U.S. MARSHAL TIM SHOBAR

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a reprocution of charges previously dismissed which were dismissed on motion of:

U.S. Atty Defense

this prosecution relates to a pending case involving this same defendant

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.
CR O1-20086-JF

MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM

SCOTT N. SCHOOLS

U.S. Atty Other U.S. Agency

Name of Asst. U.S. Atty (if assigned)

JOHN N. GLANG

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

FILED

DEFENDANT - U.S.

2007 AUG 22 P 3:55

VICTOR MARTINEZ

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF C.A. S.D.

00550

H.R.L.

DEFENDANT

IS NOT IN CUSTODY

- Has not been arrested, pending outcome this proceeding.
- 1) If not detained give date any prior summons was served on above charges
 - 2) Is a Fugitive
 - 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
 - 5) On another conviction
 - 6) Awaiting trial on other charges
- } Fed'l State

If answer to (6) is "Yes", show name of institution

SANTA RITA/DUBLIN - state parole violation

Has detainer been filed? Yes No } If "Yes" give date filed

DATE OF ARREST } Month/Day/Year
May 31, 2007

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY }

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT Bail Amount: NO BAIL

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments: